

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:17-cr-0071-TWP-MJD
	)	
CARLTON CHANEY,	)	- 02
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On November 24, 2021, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on July 7, 2021. Defendant Chaney appeared in person with his appointed counsel Gwendolyn Beitz. The government appeared by Cindy Cho, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Troy Adamson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Chaney of his rights and provided him with a copy of the petition. Defendant Chaney orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Chaney admitted violation number 2 (amended). [Docket No. 80.] Government orally moved to withdraw the remaining violation, which motion was granted by the Court.
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation  
Number**

**Nature of Noncompliance**

2

**“You mut not commit another federal, state, or local crime.”**

On July 1, 2021, Mr. Chaney was arrested and charged with criminal recklessness (2 counts), invasion of privacy, unlawful possession of a firearm by a serious violent felon (2 counts), possession of marijuana (2 counts) under case number 49D32-2107-F4-020620.

According to the Affidavit for Probable Cause, on June 29, 2021, Mr. Chaney was upset about having to watch his son, and was following the mother of the child in his vehicle. When she stopped, he allegedly exited his vehicle confronted her and fired one shot into the passenger side tire. The victim indicated Mr. Chaney's son was in the vehicle at the time. He then fled the scene. The offender was arrested on July 1, 2021, and during that arrest a marijuana cigarette was found in his vehicle.

Orally amended in open court to:

On November 22, 2021, Defendant was convicted of Invasion of Privacy, a misdemeanor, in Marion County, Indiana under cause number 49D32-2107-F4-020620 for which he received 290 days incarceration, 145 days executed with 75 days of probation.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant's criminal history category is V.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 7 to 13 months' imprisonment.

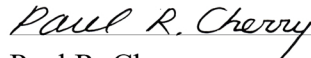
5. The parties jointly recommended a sentence of seven (7) months imprisonment with no supervised release to follow. Defendant requested placement at FCC Terre Haute.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the

Attorney General or his designee for a period of seven (7) months with no supervised release to follow. The Magistrate Judge will make a recommendation of placement at FCC Terre Haute. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 11/24/2021

  
Paul R. Cherry  
United States Magistrate Judge  
Southern District of Indiana

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